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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,535	06/23/2008	Pierre Rabischong	1429-204	2421

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EGBERT LAW OFFICES
412 MAIN STREET, 7TH FLOOR
HOUSTON, TX 77002

EXAMINER

SQUIRES, BRETT S

ART UNIT	PAPER NUMBER
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2431

MAIL DATE	DELIVERY MODE
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08/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,535	Applicant(s) RABISCHONG ET AL.	
	Examiner BRETT SQUIRES	Art Unit 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-23 are rejected under 35 U.S.C. 103(a) as being obvious over Gotoh (US 7,269,688) in view of Salisbury (US 2002/0123909).

Regarding Claims 18 and 22-23:

Gotoh discloses a system for creating and recording an image file having at least one mobile computer medium suitable for recording data ("Optical Disk," See fig. 1 ref. no. 15 and col. 11 lines 35-41), the mobile computer medium selected from the group consisting of a CD-ROM and a DVD-ROM (The examiner respectfully points out that a CD-ROM and a DVD-ROM are types of optical disks.), a reader/writer means cooperative with the mobile computer medium ("Information Recording System," See fig. 1 ref. no. 10), the reader/writer means being a computer ("Personal Computer," See col. 1 lines 18-28), the mobile computer medium having a reader/writer application suitable for both reading data recordable thereon and writing of new data thereon ("Image File Creation Program," and "Image File Additionally Write Program," See col. 11 lines 42-53), the reading/writing applications defined by a burning software application having a writing module having a portion capable of creating a burnable disk image file ("Image File Additionally Write Program," See col. 11 lines 42-53), the burning software applications being capable of running entirely from the mobile computer

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medium ("The image file creation program and the image file additionally write program can be loaded in the main memory 52b." See col. 11 lines 42-53. The examiner additionally points out that loading a program from an optical disk into a computer's memory main does not install the program to a computer's hard disk drive.)

Gotoh does not disclose at least one fixed computer medium suitable for recording data, the fixed computer medium and the mobile computer medium capable of communicating with each other remotely through the reader/writer means via a communications network.

Salisbury discloses a consumer electronic medical record file sharing system having a pocket sized re-write enabled compact disk (See fig. 1 and paragraph 10) that contains all software necessary for providers to automatically synchronize identified and predetermined patient information data subsets with similar patient information data subsets maintained in the provider's office management and/or provider billing systems (See paragraph 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to the system for creating and storing an image file disclosed by Gotoh to include communicating with remote servers such as that taught by Salisbury in order to collect, aggregate and share all patient medical information (See Salisbury paragraph 5).

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Regarding Claims 19-21:

The above stated combination of Gotoh and Salisbury discloses a system for creating and storing an image file on an optical disk using data stored remote servers (See Gotoh col. 11 lines 35-53).

The above stated combination of Gotoh and Salisbury does not include a means for a user of the mobile computer medium for authorizing or forbidding reading access to the data thereon and for authorizing or forbidding writing of the new data thereon, a means for invalidating the mobile computer medium, and the reader/writer means has a means for encrypting and decrypting the data.

Salisbury discloses a CD-ROM based file sharing system having a means for a user of the mobile computer medium for authorizing or forbidding reading access to the data thereon and for authorizing or forbidding writing of the new data thereon ("Personal Identification Number," and "Password," and "The application is accessible only when used with a consumer defined personal identification number." See paragraph 12), a means for invalidating the mobile computer medium ("The application is accessible only when used with a consumer/user defined personal identification number (PIN)." See paragraph 12 [The examiner respectfully points out that the determining if a user has entered the correct PIN make the pocket sized re-write enabled compact disk invalid for use by a user who does not know the correct PIN.]), and the reading/writing means has a means for encrypting and decrypting the data ("The browser based software application is encrypted and password protected." and "An encryption application is

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imbedded into the browser based software application to accommodate secure transmission via internet and wireless computing devices." See paragraphs 10 and 12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the above stated combination of Gotoh and Salisbury to include the security feature of the CD-ROM based file sharing system disclosed by Salisbury in order to prevent readability by those unauthorized to use the optical disk (See Salisbury paragraph 12).

Response to Arguments

3. Applicant's arguments with respect to claims 18-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRETT SQUIRES whose telephone number is (571) 272-8021. The examiner can normally be reached on 9:30am - 6:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BS/

/Christopher A. Revak/
Primary Examiner, Art Unit 2431